

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 4, 2000

DIVISION THREE

B139754 People (Not for Publication)
v.
Sampay

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B139018 Filarsky (Certified for Publication)
v.
Superior Court, Los Angeles County
(City of Manhattan Beach, r.p.i.)

The petition for writ of mandate is denied. Costs are awarded to the City.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B130758 People (Not for Publication)
v.
Henry et al.

The judgments are affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B139485 People (Not for Publication)
v.
Elaine C.

The order is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B131400 L.A. County Department of Children & Family Services (Not for Publication)
v.
Seleaner S.

The order denying de facto parent status is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B128254 Politi (Not for Publication)
v.
County of Los Angeles

The judgment is affirmed except insofar as it awards plaintiff prejudgment interest at the rate of ten percent; as to that award the judgment is reversed. The cause is remanded to the trial court for further proceedings on the issue of prejudgment interest consistent with the views expressed herein. The parties shall bear their own costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B129621 Browner (Not for Publication)
v.
Oxford Fabric, Inc., et al.

The judgment is affirmed. The appeal from the order taxing costs is dismissed. Costs on appeal to plaintiff.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B131614 Martin (Not for Publication)
v.
Eastern Mortgage Company

The order denying Martin a preliminary injunction and dissolving the ex parte TRO is affirmed. All parties to bear their own costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

[illegible]

The order continuing wardship under review is affirmed, except that appellant's maximum theoretical period of confinement is reduced by six months; the court's June 30, 1999, orders revoking appellant's camp furlough and lifting the stay of execution on its April 21, 1999 camp placement order are reversed; and the matter is remanded for further proceedings consistent with this opinion.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B130871 People (Not for Publication)
v.
Cox

The judgment is modified by imposing a \$200 restitution fine pursuant to Penal Code section 1202.45, and by imposing state and county penalty assessments of \$50 (Pen. Code, 1202.4, subd. (a)(2), 1464, subd. (a)), and \$35 (Gov. Code, 76000, subd. (a)), respectively; as modified, the judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the above modifications and that the trial court imposed a \$200 restitution fine pursuant to Penal Code section 1202.4, subdivision (b), and a \$50 laboratory fee pursuant to Health and Safety Code section 11372.5, subdivision (a).

Croskey, J.

I concur: Klein, P.J.
I dissent: Aldrich, J. (Opinion)

B133409 People (Not for Publication)
v.
Hanna

The judgment is modified by imposing a \$200 restitution fine pursuant to Penal Code section 1202.45 and, as modified, is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the above modification.

Croskey, J.

I concur: Klein, P.J.
I dissent: Aldrich, J. (Opinion)

August 4, 2000-Continued

DIVISION THREE (Continued)

B131496 People (Not for Publication)
v.
Fraid

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B134465 People (Not for Publication)
v.
Okuma

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B136317 People (Not for Publication)
v.
Hernandez

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (Continued)

B136049 Holman (Not for Publication)
v.
Reef Corporation

The summary judgment is affirmed. Costs on appeal to defendant.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION FOUR

B135717 Los Angeles County, D.C.F.S. (Certified for Publication)
v.
Lillian S.

The ultimate outcome of this case, termination of parental rights, was preordained when DCFS and the trial court placed the matter on automatic pilot without selecting an appropriate flight plan. We are not unaware of the fact that Maria has thrived and bonded with her foster mother, who wishes to adopt the minor. However, termination of parental rights is a significant event in the lives of the parties involved and the Legislature has provided specific statutory steps to be followed before termination is appropriate. The record does not support the findings made by the trial court relating to the path selected in this instance. The order terminating parental rights is reversed and the matter is remanded to the juvenile court.

Hastings, Acting P.J.

We concur: Curry, J.
Rubin, J. (Assigned)

August 4, 2000-Continued

DIVISION FOUR (Continued)

B134765 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Lawanda M.

The orders of the juvenile court dated July 1, 1999, and November 2, 1999, are affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B137825 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Deborah A.

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B114456 People (Not for Publication)
v.
Guzman

B135951 In re Jason Scott Guzman on Habeas Corpus

The judgment is affirmed. The petition is denied.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

DIVISION FIVE

B136760 Michael A. Coburn (Not for Publication)
 v.
 Michael L. Schiffman

The judgment is reversed. Each party to bear their own costs.

Turner, P.J.

We concur: Armstrong, J.
 Weisman, J. (Assigned)

B134889 Helen Myshayedí (Not for Publication)
 v.
 State of California

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B131115 Redevelopment Agency of (Not for Publication)
 the City of Long Beach et al.
 v.
 Westside Industrial Council et al.

The judgment is affirmed. Plaintiffs, the City of Long Beach, the Redevelopment Agency of the City of Long Beach, and the Long Beach Financing Authority, are to recover their costs on appeal from defendants, Westside Industrial Council, Dan Berns, and P & L Land Co.

Turner, P.J.

We concur: Grignon, J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B118802 The People ex rel. (Not for Publication)
Department of Transportation
v.
Southern California Edison

In accordance with the Supreme Court's decision in *People ex rel. Dept. of Transportation v. Southern Cal. Edison Co.* (2000) 22 Cal.4th 791, 806, this case is remanded to the trial court with directions to amend its judgment to award interest from July 24, 1994, rather than November 16, 1995, computed as provided in Code of Civil Procedure section 1268.350. Defendant, Southern California Edison Company, shall recover its costs on appeal from plaintiff, the People of the State of California. Any issue as to attorney's fees shall be resolved upon proper motion in the trial court.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Lillie, P.J., Woods, J. and Emma Jean Amos, Deputy Clerk.

Each of the following:

B134798 People v. Steele
B133315 People v. Cruz
B138955 D.C.F.S. v. Phenechia W.

Argument waived, cause submitted.

B118851 Kernochan
v.
Zelner

Merits:
Argued by Ronald Beck for appellant and by George W. Coleman for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B134809 People
 v.
 Avila

Merits:

Argued by Bradford E. Henschel for appellant and by Corey J. Robins, deputy attorney general, for respondent. In open court the parties were instructed to file letter briefs within 10 days. The cause to be submitted after the filing of the last brief.

B131166 People
 v.
 Yearwood, et al.

Merits:

Argued by Maxine Weksler for appellant Yearwood and by Stephanie A. Miyoshi, deputy attorney general, for respondent. Appellants Knighton and Jones waived oral argument. Cause submitted.

B131544 Kirk
 v.
 Bennie & Idella Murphy

Merits:

Argued by W. Scott Bowersock for appellant and by Benjamin R. Margolis for respondents. Cause submitted.

B138063 Alpha Therapeutic Corporation
 v.
 Franchise Tax Board

Merits:

Argued by Frederick A. Richman for appellant and by Thomas G. Heller, deputy attorney general, for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B132303 Huell
 v.
 Roadium Open Air Market

Merits:
Argued by David N. Bigelow for appellant and by Matthew Shorr for
respondent. Cause submitted.

Court adjourned at 11:05 A.M.

B119466 People
 v.
 Parker

Filed order denying petition for rehearing.